

IV. REMARKS

Status of the Claims

Claims 1-15 are presented for further consideration.

Summary of the Office Action

Claims 1-15 stand rejected under 35USC102(e) on the basis of the cited reference Frodigh, et al, U.S. Patent No. 6,125,148. The Examiner is respectfully requested to reconsider his rejection in view of the following remarks.

Discussion of the Cited Reference

The Examiner relies on the reference Frodigh to support the rejection based on anticipation. The cited reference discloses a method of demodulating voice, data, and control information in system that supports multiple modulation schemes. A first modulation scheme is used for voice and data and a second modulation scheme is used for control information. The first modulation scheme has a higher modulation level than the second modulation scheme. This method allows the transmission to be demodulated by a single demodulator. This is accomplished without altering the previous known bit allocation schemes for example, SACCH and FACCH to provide backward compatibility. Such bit allocation schemes, put signaling information into every second bit position in a number of bursts. This is contrary to the system of the subject application, in which it is indicated in the Background of the Invention that control channels, such as FACCH, do not use a bit allocation scheme that is optimized. As described in the claims of this application, a bit allocation scheme is used having a block of consecutive symbols in a burst of a traffic channel.

The Examiner has characterized the teaching of Frodigh in part as follows:

"transmitting the symbols carrying the signifying information as a block of consecutive symbols in a certain transmission burst of a traffic channel (see fig. 3 and col 7, lines 11-20 and 47-57)"

Applicant submits that the disclosure of Frodigh does not support this statement. As indicated above, if the bit allocation scheme of Frodigh was as the Examiner has stated, the system would not provide the backwards compatibility that is a key feature of the cited reference. The cited reference Frodigh, therefore, does not support the rejection based on anticipation.

The Issue of Anticipation

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Frodigh would infringe the claims of this application, if it were later.

All of the claims of this application are directed to a system capable of providing the following functions:

"transmitting the symbols carrying the signalling information as a block of consecutive symbols in a certain transmission burst of a traffic channel and"

Since the capability of providing the claimed feature is not present in the system of the reference Frodigh, there can be no infringement of the subject claims. Therefore the teaching of Frodigh does not support the rejection based on anticipation with respect to any of the claims. Equivalent language appears in independent claim 14.

These arguments apply equally to the rejected dependent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1,020.00 is enclosed for a three month extension of time and additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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2/25/05

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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